



Department of Justice

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BLOOMINGTON PHYSICIAN CHARGED WITH HEALTH CARE FRAUD AND UNLAWFUL DRUG DISTRIBUTION

PRESS RELEASE

INDIANAPOLIS - Kamal Tiwari, age 58, a medical doctor practicing in Bloomington, Ind., has been indicted by a federal grand jury sitting in Indianapolis with health care fraud, health care fraud resulting in serious bodily injury, and eleven counts of unlawful drug distribution. The indictment, returned Wednesday, was unsealed today following Tiwari's arrest. These charges are the result of a more than two-year investigation by the Inspector General of the United States Department of Health and Human Services (HHS), Indiana Medicaid Fraud Control Unit, Office of the Indiana Attorney General, and the Federal Bureau of Investigation (FBI).

Tiwari does business as The Pain Management Center of Southern Indiana, P.C., The Pain Management & Surgery Center of Southern Indiana, Inc., Southern Indiana Anesthesiology, Inc., P.C., formerly known as Kamal Tiwari, Inc., P.C.

The indictment alleges that Tiwari required patients to undergo medically unnecessary injection procedures, such as facet blocks, trigger point injections, radiofrequency ablations, and epidurals, as a condition of receiving narcotic controlled substance prescriptions, such as methadone, Percocet, Oxycontin, and oxycodone, Schedule II narcotic controlled substances. The indictment alleges that the injection procedures were performed in a frequency and pattern that was not medically necessary, and was outside the bounds of medical practice and not for a legitimate medical purpose. The indictment also alleges that Tiwari prescribed controlled substances as part of a scheme to defraud, in such dosage frequencies, combinations of controlled substances, and in such amounts to drug-dependent patients as were likely to cause and did cause those patients to submit to unwanted an unnecessary injection procedures and other services, and to cause those patients to become dependent on the medically unnecessary procedures.

The indictment sets out 16 patients that specifically illustrate the medically unnecessary procedures and improper drug prescriptions. The indictment goes on to allege 11 counts of

illegal drug distribution by setting forth 11 prescriptions of Schedule II controlled substances that were not for a legitimate medical purpose and beyond the bounds of medical practice.

The indictment alleges that Tiwari defrauded health care benefit programs, including Medicare, Indiana Medicaid, and Anthem Blue Cross Blue Shield. It alleges that from 2002 through 2007, Tiwari was paid approximately \$21,617,687 by these three health care benefit programs alone.

"The allegations in this matter go well beyond the healthcare billing fraud we usually see. In this situation a physician not only used patients as pawns for profit, but actually compromised the health of some of Indiana's most vulnerable citizens. The HHS Office of Inspector General (OIG) will continue to work with our local, State, and Federal partners to ensure that these types of crimes are investigated and prosecuted," said Lamont Pugh III, Special Agent in Charge of OIG's Chicago Region, which includes the State of Indiana.

"Prescription drug abuse is a serious problem in Indiana, made worse by physicians who abuse their position of trust by overprescribing addictive painkillers to patients who may well be addicts. The Medicaid Fraud Control Unit of the Indiana Attorney General's Office worked diligently with our colleagues at the U.S. Attorney's Office and Drug Enforcement Administration so that this individual is held accountable. The Attorney General's Office also has sought to stop this type of overmedication by lodging a disciplinary complaint against Dr. Tiwari's license to practice medicine," Indiana Attorney General Greg Zoeller said.

"Health Care Fraud poses a potential risk to patients and increases health care costs for all. This crime is most effectively addressed through the cooperative efforts of local, state and federal agencies," said Michael Welch, Special Agent in Charge of the FBI in Indiana.

According to Assistant United States Attorneys Winfield D. Ong, Bradley P. Shepard and Shelese Woods, who are handling the case for the government, Tiwari faces a maximum sentence of 10 years imprisonment, a fine of \$250,000, and supervised release of 3 years on the health care fraud count; a maximum sentence of 20 years imprisonment, a fine of \$250,000, and supervised release of 5 years on the health care fraud resulting in serious bodily injury count; and a maximum of 20 years imprisonment, a fine of \$1,000,000, and supervised release of up to 5 years on each of the 13 drug distribution counts.

Tiwari was arrested Thursday in Bloomington without incident. An initial hearing for Tiwari is scheduled before a United States Magistrate Judge in Indianapolis around noon today.

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